

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

CHAMBERS OF
STEPHANIE A. GALLAGHER
UNITED STATES MAGISTRATE JUDGE

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October 10, 2018

LETTER TO COUNSEL

RE: *Class Produce Group, LLC v. Harleysville Worcester Insurance Company*,
Civil No. SAG-16-3431

Dear Counsel:

This case has been referred to me by consent of the parties for all proceedings and the entry of judgment, in accordance with 28 U.S.C. § 636(c). [ECF No. 60]. Plaintiff Class Produce Group, LLC (“CPG”) filed this lawsuit against Defendant Harleysville Worcester Insurance Company (“Harleysville”), alleging that Harleysville failed to indemnify CPG pursuant to an insurance contract, and failed to pay CPG’s insurance claim. [ECF No. 38]. Presently pending is Harleysville’s Motion for Sanctions or, in the Alternative, Motion to Compel CPG’s Answers to Interrogatories and Request for Production of Documents. [ECF No. 74]. CPG opposed the Motion, and Harleysville filed a Reply. [ECF Nos. 86, 91]. I find, however, that the resolution of this Motion is best deferred until CPG has had an opportunity to respond to Harleysville’s objections to CPG’s discovery responses. My reasoning is discussed below.

As background, Harleysville served CPG with Interrogatories and Requests for Production of Documents on July 2, 2018. [ECF No. 74-1]. On August 3, 2018, counsel for CPG requested an additional two weeks to respond to Harleysville’s requests. [ECF No. 74-2]. Harleysville’s counsel responded that he was willing to discuss the requested extension, but because CPG had pushed for an expedited schedule, Harleysville wanted to discuss moving other deadlines. *Id.* The parties did not discuss further extensions. Two weeks later, on August 16, 2018, Harleysville inquired about the status of CPG’s Answers and Responses. *Id.* Counsel for CPG responded that the discovery responses would be submitted by the following week, August 20-24, 2018. *Id.* On August 24, 2018, CPG produced documents to Harleysville, and indicated that the remaining discovery responses would be submitted by the following week, August 27-31, 2018. *Id.* Without further response or discussion from CPG, Harleysville filed the instant motion on September 6, 2018. [ECF No. 74]. On September 7, 2018, CPG served its Answers and Responses to Harleysville’s Interrogatories and Requests for Production of Documents. [ECF No. 86-3]. Harleysville’s Reply, filed on October 4, 2018, raised several issues regarding the sufficiency of CPG’s Answers and Responses, to which CPG has not yet had the opportunity to respond. [ECF No. 91].

Pursuant to Local Rule 104.7, the parties are required to meet and confer in an attempt to resolve the dispute regarding the adequacy of the Answers and Responses. *See* Loc. R. 104.7 (D. Md. 2016). If the parties reach an agreement regarding the Answers and Responses in question, the parties are directed to notify the Court, by letter, on or before **October 20, 2018**. If, however, the parties are unable to reach an agreement after a good faith meet and confer, CPG should file any response it may have to Harleysville's discovery objections on or before **October 20, 2018**. In that case, Harleysville will have until **October 30, 2018**, to reply to CPG's response.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Sincerely yours,

/s/

Stephanie A. Gallagher
United States Magistrate Judge